NEW MEXICO
ENVIRONMENT DEPARTMENT

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Governor

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail – Return Receipt Requested

August 31, 2018

Mr. Michael Coats, Area Manager
Chevron Mining Inc., Questa Mine
P. O. Box 469
Questa, NM 87556

Re: Chevron Mining, Inc. (CMI), Questa Mine; MSGP; SIC 1061; NPDES Compliance Evaluation Inspection (CEI); NMR053300; July 24 thru July 26, 2018

Dear Mr. Coats:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston, Section Chief
NPDES Enforcement Stormwater
Environmental Protection Agency, Region 6
NPDES Enforcement Branch (6EN-WS)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau (N2050)
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Erin Trujillo at 505-827-0418 or at erin.trujillo@state.nm.us.

Sincerely,

/s/Sarah Holcomb

Sarah Holcomb
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Darlene Whittten-Hill, USEPA (6EN) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
Tony Loston, USEPA (6EN-WM) by e-mail
Brent Larsen and Tung Nguyen, USEPA (6WQ-PP) by e-mail
Isaac Chen, USEPA (6WQ-PP) by e-mail
Gary Baumgarten, USEPA (6SF-RA) by e-mail
Robert Italiano, NMED District II by e-mail
Anne Mauer, Chevron-Questa Mine Permit Lead, NMED GWQB by e-mail
Joseph C. Fox, NMED GWQB by e-mail
Armando Martinez, Chevron EMC by e-mail
Jeff Schoenbacker, Chevron EMC by e-mail

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

1	Transaction Code	2	NPDES	11	yr/mo/day	17	Inspec. Type	18	Inspector	19	Fac Type	20
	N	5	NMR0533000	12	180724		~		S		2	

Remarks: CLOSED MOLYBDENUM MINE & MILL

Inspection Work Days	67–69	Facility Evaluation Rating	70	BI	71	QA	72	73	74	75	Reserved	80
			2		N		N					

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*

Chevron Mining Inc. (CMI), Questa Mine, Main office 3.5 miles east of Questa, NM, north side of NM 38. Tailings facility exists west of NM 522 in Questa, NM. Taos County.

Entry Time /Date
~0945 hrs / 07/24/2018
~0725 hrs / 07/25/2018
~0745 hrs / 07/26/2018

Permit Effective Date
2015 MSGP June 4, 2015

Exit Time/Date
~1630 hrs / 07/24/2018
~1630 hrs / 07/25/2018
~1245 hrs / 07/26/2018

Permit Expiration Date
2015 MSGP June 4, 2020

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)
-Armando Martinez, Env. Manager, Chevron Env. Management Company (EMC) / 575-586-7639
-Jeff Schoenbacker, Project Manager, Chevron EMC /575-586-7537
-Frank Robinson, Site Manager, Water Treatment Plant, Golder Associates, Inc. / 505-492-1023
-Gabe Herrera, Chevron EMC
-Jim Cox, Chevron Project Manager/Contractor

Other Facility Data

Administrative Mine Office Entrance
36.689328°, -105.540013°

-SIC 1061, Ferroalloy Ores, Except Vanadium
-NAICS 212299 (all other metal ore mining)
-Primary Sector G2 Metal Mining (Ore Mining and Dressing)

Name, Address of Responsible Official/Title/Phone and Fax Number
-Mr. Michael Coats, Area Manager, Chevron Mining Inc., Questa Mine, P. O. Box 469, Questa, NM 87556 / 575-586-7521, Fax 575-586-0811

Contacted: Yes [ ] No [*]

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

M	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	M	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. See attached further explanations / checklist report.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Erin S. Trujillo */s/Erin S. Trujillo*	**NMED/SWQB/505-827-0418**	**08/29/2018**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Jennifer Foote */s/Jennifer Foote*	**NMED/SWQB/505-827-0596**	**08/30/2018**

NPDES Industrial Storm Water Checklist (MSGP)

National Database Information	
Inspection Type	Compliance Evaluation Inspection
NPDES ID Number	NMR053300
Inspection Date	July 24 – 26, 2018
Inspector Type *(circle one)*	EPA [State] EPA Oversight
Facility Sector/ SIC/Activity Code	Sectors G2 and L SIC 1061

General	
Inspector Name	Erin S. Trujillo
Telephone	505-827-0418
Entry Time	0945 hrs 07/24/2018
Exit Time	1245 hrs 07/26/2018
Signature	*/s/Erin S. Trujillo*

Facility Location Information				
Name/Location/ Mailing Address	CMI, Inc., Questa Mine, P. O. Box 469, Questa, NM 87556			
GPS Coordinates	Latitude	36.689328°	Longitude	-105.540013°
Receiving Water(s)	Unnamed watercourses, Capulin Canyon and Goathill Gulch subject to unclassified 20.6.4.98 NMAC & Red River in Segment 20.6.4.122 NMAC Upper Rio Grande Basin			

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Chevron Mining Inc., Questa Mine	575-586-7521
Facility Contact	Armando Martinez, Env. Manager, Chevron Environmental Management Company	575-586-7639
Authorized Official(s)	Michael Coats, Area Manager, CMI, Inc.	575-586-7521

Basic Permit Information		
Permit Coverage	[Y]	N
Permit Type	[General]	Individual
Operational Date	Prior to 1990	
NOI/Application Date	11/19/2015	
If applicable, is no exposure certification on file?	Not Applicable	

Basic SWPPP Information		
SWPPP Prepared & Available	[Y]	N
SWPPP Contents Satisfactory	Y	[N]
SWPPP Implementation Satisfactory	[Y]	N
SWPPP Date	10/07/2015	
Intentionally left blank		

Inspection Introduction

On July 24, 25 and 26, 2018, an announced Compliance Evaluation Inspection (CEI) was conducted by Erin S. Trujillo of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) at the Chevron Mining Inc. (CMI), Questa Mine (formerly Molycorp) near the Village of Questa, Taos County, New Mexico. Ms. Trujillo was accompanied by Ms. Sarah Holcomb, Program Manager, Point Source Regulation Section, SWQB and Mr. Joseph Marcoline, Ground Water Quality Bureau, also of the NMED, during portions of this inspection.

Upon arrival at the facility at approximately 0945 hours on July 24, 2018, Ms. Trujillo made introductions, presented credentials, and discussed the purpose of the CEI with Mr. Armando Martinez, Environmental Manager and Mr. Jeff Schoenbacker, Project Manager, both of Chevron Environmental Management Company (Chevron EMC). Ms. Trujillo toured the site with Mr. Martinez accompanied by NMED staff and other Permittee Representatives during portions of this inspection. Due to the size of the facility and time limitations, this CEI focused on select drainage units or areas of the facility. Ms. Trujillo conducted an exit interview on site at CMI's offices to discuss preliminary findings with Mr. Martinez and Mr. Schoenbacker. Ms. Trujillo left the facility at approximately 1245 hours on July 26, 2018.

NMED performs a certain number of Compliance Evaluation Inspections (CEIs) for the U.S. Environmental Protection Agency (USEPA) each year. This report is based on review of files maintained by the permittee and NMED, on-site observation by NMED personnel, and verbal and follow up e-mail information provided by the permittee's representatives. CMI Questa Mine is also classified as a major facility discharger under the federal Clean Water Act, Section 402 NPDES permit program and is assigned permit number NM0022306. The NPDES CEI report for NM0022306 will be submitted under a separate EPA Form 3560.

Additional Site Description/Industrial Activity

The mine (previously known as the Molycorp Mine) operated intermittently from 1920 until 2014, when Chevron Mining Inc. (CMI) closed the mine. Open pit molybdenum mining and milling took place from 1965 to 1983. Mining operations and waste disposal contaminated soil, sediment, surface water and groundwater. While the mine was operating, about 328 million tons of acid-generating waste rock were excavated and deposited in nine large waste rock piles. After molybdenum was extracted from ore, the tailing was transported by pipeline to a tailing facility where it was deposited in tailing impoundments. EPA re-proposed the Molycorp, Inc. site to the National Priorities List (NPL) of Superfund Sites in March 2011. The site was placed on the NPL on September 16, 2011. Although mining and mill operations have closed; decommission, demolition, industrial water treatment operations and reclamation at the facility are active.

Storm water discharges have been regulated at the facility since 1992 under the EPA NPDES Industrial Stormwater program (primary subsector G2 Metal Mining (Ore Mining and Dressing), SIC 1061, Ferroalloy Ores, Except Vanadium). CMI Questa Mine CERCLA ID NMD002899094 Record of Decision dated December 20, 2010 discusses coverage of the facility under the NPDES industrial stormwater Multi-Sector General Permit (MSGP). NPDES tracking number under the previous USEPA NPDES 2008 MSGP was NMR5GC01 and 2000 MSGP was NMR00A089.

Of the approximate 6,000-acre facility, the estimated area of industrial activity at site exposed to stormwater is 3,528 (acres not covered by other NPDES permits). Three main areas include the Mine Site (3673 acres), Tailing Pipeline (203 acres) and Tailing Facility (2047 acres). The property is divided into 18 main inspection units based on drainage areas.

Units described in SWPPP as covered under MSGP include:

- Unit 3: Open pit, rock pile benches (Blind Gulch, Upper Spring Gulch, Sulphur Gulch North and Old Sulphur Gulch) and north detention pond draining to the open pit. (866 acres)

- Unit 4: Runoff from lower bench of Sulphur Gulch South/Middle, and Sugar Shack South rock piles to the highway catchment berm. (313 acres)

- Unit 5: Drainage from south side of Sugar Shack West to Highway 38 (north of Columbine Campground). (220 acres)

- Unit 10: Surface runoff from middle and lower areas of Capulin Canyon (downgradient of pumpback pond), and lower Capulin Canyon stormwater catchments at the mouth of the canyon. (876 acres)
- Unit 11: Upper Capulin Canyon water collection system, sediment catchments and seepage collection pond pumpback to horizontal borehole. (225 acres)
- Unit 12: Lower emergency dump sump. (2 acres)
- Unit 13: Surface runoff from hill above Embargo Road. (83 acres)
- Unit 14: Surface runoff from the Tailing Facility shop area, and into and along Tailing Facility East Diversion Ditch, which discharges downstream of the east abutment of Dam No. 1. (226 acres)
- Unit 16: Tailing Facility West Diversion Ditch. (455 acres)
- Unit 17: Tailing pipeline right-of-way from the mill to the Tailing Facility and upper emergency dump sump. (203 acres)
- Unit 18: Surface runoff from the southeast segment of Dam No. 4 towards the Red River. (59 acres)

Units described in SWPPP as covered under other permits include:

- Unit 1: Mill area drainage to concrete mill yard stormwater catchment and stormwater Outfall 005. (118 acres).
- Unit 2: Drainage from Spring Gulch rock pile and crushers to Sulphur Gulch South catchments. (50 acres).
- Unit 6: Runoff from administration building to stormwater Outfall 004. (10 acres)
- Unit 7: Goathill Gulch drainage below subsidence area off south side of hydrothermal scar area on west side of Goathill Gulch into Outfall 004 stormwater catchments. (145 acres)
- Unit 8: Drainage from Sugar Shack West rock pile, Slickline Gulch, Goathill Yard, and No. 1 and No. 2 shaft areas to Outfall 004 stormwater catchments. (382 acres)
- Unit 9: Goathill North rock pile and Upper/Middle Goathill Gulch drainage to underground mine subsidence area and southeast facing portion of hydrothermal scar area along west slope of Goathill Gulch. (468 acres)
- Unit 15: Tailing impoundments. (1,222 acres)

NPDES Industrial Storm Water Checklist (MSGP)

SWPPP Review			
General			**Notes:**
Was the SWPPP completed prior to NOI submission?	Y	N	
Copy of the NOI and acknowledgment letter from EPA?	Y	N	
Copy of the permit language?	Y	N	
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires?	Y	N	
Does the SWPPP contain a signed/certified statement indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii)? Applicable to: • Routine facility inspection (3.1.1) • Quarterly visual assessment (3.2.3) • Benchmark monitoring (6.2.1.3).	Y	N	Not applicable
Does the SWPPP include copies of relevant parts of other documents (e.g., SPCC) referenced in the SWPPP?	Y	N	N = Not updated. Permittee Representatives described that SPCC also needed to be reviewed and updated.
Does the SWPPP include documentation to support eligibility under the Endangered Species Act?	Y	N	N = Criterion on NOI not documented. NOI certified under Criterion A (*No…species or their designated critical habitat(s) are likely to occur)*. SWPPP included copy of Criterion C ESA Eligibility Form that was not complete. NOI describes IPaC review indicating "no critical habitat." SWPPP that states *"Questa Mine operations are not likely to adversely affect any federally-listed endangered and threatened species or designated critical habitat."*
Does the SWPPP include documentation to support eligibility under the Historic Preservation Act?	Y	N	NOI certified under Criterion B (prior earth disturbances / preclude existence of historic properties)
Does the SWPPP include documentation to support eligibility under NEPA (New Source)?	Y	N	Not applicable
Did all "operators" sign/certify the SWPPP?	Y	N	SWPPP did not include signed and dated written authorization for duly authorized representative (See Appendix B.11.B of the 2015 MSGP. SWPPP discussed other permit areas, but did not include alternative to discharge testing (see Part 8.G.6.6 Certification of permit coverage for commingled non-stormwater discharges).
Is the storm water pollution prevention team identified (name or title)?	Y	N	Handwritten updates
Are the storm water pollution prevention team's responsibilities identified?	Y	N	

NPDES Industrial Storm Water Checklist (MSGP)

Site Description			Notes:
SWPPP provides a description of the facility's industrial activities?	[Y]	N	
Is there a general location map (e.g., USGS quadrangle map) with enough detail to identify the location of the facility and all receiving waters for storm water discharges?	[Y]	N	
Is there a site specific site map?	Y	[N]	Y = SWPPP Mine Site Map and Tailings Facility Site Map both dated 09/01/2015. N = Not updated / not supplemented with additional maps or details. Flow, structures and controls in Unit 1 West Gate Laydown area was not updated. Not all areas in Unit 1 currently flow toward NPDES Individual Permit outfall as indicated on SWPPP map.
Does the site map contain the size of the property in acres?	[Y]	N	
Does the site map contain the location and extent of significant structures and impervious surfaces?	Y	[N]	N = Not updated. Unit 1 West Gate Laydown area not updated.
Does the site map contain directions of storm water flow (indicated by arrows)?	Y	[N]	N = Not updated / not supplemented with additional maps or details. Arrows do not appear sufficient toward property boundaries, including southern mine property boundary in Unit 5 and 4. Arrows in Unit 1 West Gate Laydown area need to be updated.
Does the site map contain locations of all existing structural control measures?	Y	[N]	Y = catchments, retention and detention ponds N = berms along roads, silt fence remaining after terminated Construction General Permit projects, and updates in Unit 1 West Gate Laydown area.
Does the site map contain locations of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired, and if so, whether the waters have TMDLs established for them?	[Y]	N	No impairments / No TMDLs
Does the site map contain locations of all storm water conveyances including ditches, pipes and swales?	Y	[N]	Map notes describe, but do not show ditches along roads. Updates in Unit 1 West Gate Laydown area not shown on map.
Does the site map contain locations of all potential pollutants and significant materials identified under Part 5.2.2?	[Y]	N	
Does the site map contain locations where significant spills or leaks identified under Part 5.2.3.3 have occurred?	[Y]	N	
Does the site map contain locations of all storm water monitoring points?	Y	[N]	See notes below on additional potential outfall.
Does the site map contain locations of storm water inlets and outfalls, with a unique identification (e.g., 001, 002) for each outfall and if substantially identical?	Y	[N]	See notes below on additional potential outfall. Substantially identical is not applicable.

NPDES Industrial Storm Water Checklist (MSGP)

Site Description			Notes:
Does the site map contain municipal separate storm sewers and where the facility discharges to them?	Y	N	Not applicable
Does the site map contain locations and descriptions of all non-storm water discharges?	Y	[N]	Non-stormwater discharges covered under other NPDES permits are discussed. SWPPP lists allowable non-stormwater discharges under MSGP, but not specific types or locations.
Does the site map contain locations of the following activities where these activities are exposed to precipitation? • Fueling stations • Vehicle and equipment maintenance and/or cleaning areas • Loading/unloading areas • Locations used for the treatment, storage or disposal of wastes • Liquid storage tanks • Processing and storage areas • Immediate access roads and rail lines used or travelled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility • Transfer areas for substances in bulk • Machinery	[Y]	N	
Does the site map contain locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants?	Y	N	Not identified / not discussed in SWPPP. Comment: Hydrothermal alteration scars are not described in drainage units described to be covered by MSGP.
Does the SWPPP document areas at the facility where industrial materials or activities are exposed to storm water and from which allowable non-storm water discharges are released?	Y	[N]	N = Not documented as previously noted. SWPPP includes list of allowable non-stormwater discharges, but not specific areas.
Does the SWPPP include a list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams)?	[Y]	N	
Does the SWPPP include a list of pollutants and/or pollutant constituents associated with each identified activity?	[Y]	N	
Does the SWPPP include documentation of where spills and leaks occurred for three years prior to the preparation of the SWPPP?	[Y]	N	

NPDES Industrial Storm Water Checklist (MSGP)

Site Description			Notes:
Does the SWPPP include a non-storm water discharge evaluation in the SWPPP? Does it include: • Date • Description of evaluation criteria • List of the outfalls or onsite drainage points directly observed • Different types of non-storm water discharges and source locations • Actions taken such as a list of control measures for elimination.	[Y]	N	
Does salt storage occur at this facility?	[Y]	N	
Does the SWPPP include a summary of storm water sampling data for the previous permit term?	Y	[N]	N = No Data. SWPPP discusses stormwater runoff from Capulin Canyon that occurred in August 2011 following a significant precipitation event (1.5 inches of rain over three hours) centered over Capulin Canyon. The stormwater ponds filled with debris and overtopped.

Controls to Reduce Pollutants			Notes:
Does the SWPPP include documentation of the location and type of control measures at the facility to comply with the requirements in Part 2?	Y	[N]	SWPPP provided examples, but did not document location for all structural controls.
Does the SWPPP include documentation that selection and design of control measures were based on a consideration of the practices and procedures in Part 2.1.1?	Y	[N]	SWPPP provided examples, but did not document selection, design, installation, and implementation of all structural controls in accordance with good engineering practices and manufacturer's specifications. For example, SWPPP did not include manufacturer's specs.
Does the SWPPP include measures to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings?	Y	[N]	See implementation notes below.
Does the SWPPP include good housekeeping measures (e.g., keeping all exposed areas that are potential sources of pollutants clean, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers)?	[Y]	N	

NPDES Industrial Storm Water Checklist (MSGP)

Controls to Reduce Pollutants			Notes:
Does the SWPPP include a schedule for pickup and disposal of wastes and routine inspections of tanks and drums?	Y	N	
Does the SWPPP include preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, and back-up practices should a runoff event occur while a control measure is off-line?	Y	N	Comment: Section 4.2 of the SWPPP discusses quarterly routine facility inspections, but Part 8.G of the 2015 MSGP requires monthly inspections. Routine facility inspections are documented monthly.
Does the SWPPP include a schedule for preventative maintenance procedures?	Y	N	
Does the SWPPP include procedures for minimizing the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur?	Y	N	
Does the facility implement procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur?	Y	N	
Does the facility implement preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling?	Y	N	
Does the facility implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases?	Y	N	
Does the facility train employees who may cause, detect, or respond to a spill or leak in these procedures and have necessary spill response equipment available?	Y	N	Described annual refresher training for SWPPP/MSGP permit and SPCC was not documented and conducted in 2018 (over year since last training) based on information from Permittee Representatives.
Does the facility document and follow procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies?	Y	N	

NPDES Industrial Storm Water Checklist (MSGP)

Controls to Reduce Pollutants			Notes:
Does the SWPPP document erosion and sediment controls?	Y	N	
Does the facility stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants?	Y	N	
Does the facility place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants?	Y	N	
If the facility stores salt at this facility, are the piles enclosed or covered? Does the facility implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile?	Y	N	N = SWPPP and Mine Site Map not updated with number and location of salt piles or controls. See notes on implementation below.
Employee Training – is there a schedule for regular (at least annually) employee training?	Y	N	N = Not implemented in over year. SWPPP describes annual schedule and responsibilities, but annual training was not conducted in 2018 (over one year). See Part 2.1.2.8 and 8.G.5.1 of the 2015 MSGP. Part 8.G.6.5 (employee training) states "All employee training(s) must be documented in the SWPPP."
Does training cover both the specific control measures used to achieve the effluent limits in Part 2 and monitoring, inspection, planning, reporting, and documentation requirements in other parts of the permit?	Y	N	See note above.
Does the facility ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged?	Y	N	
Does the facility minimize generation of dust and off-site tracking of raw, final, or waste materials?	Y	N	
Has the facility eliminated non-storm water discharges not authorized by an NPDES permit?	Y	N	

Notes on SWPPP Review

Permittee representatives described that the SWPPP needed updates. The reviewed document contained handwritten annotations indicating new information or information that needed to be updated.

2015 MSGP Part 4.2 (Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary) states "*If any of the following conditions occur, you must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of your control measures) to determine if modifications are necessary to meet the effluent limits in this permit…Construction or a change in design, operation, or maintenance at your facility that significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged."*

Unit 1: Runoff that enters or occurs in the West Gate Laydown area in Unit 1 is not directed toward Outfall 005 covered by the NPDES Individual Permit NM0022306 as described in SWPPP or as shown on SWPPP Mine Site Map. The West Gate Laydown area in Unit 1 was not covered on the day if this inspection by another NPDES permit based on discussions with Permittee Representatives. Collected water existed in a remaining Mill Area concrete structure in the West Gate Laydown area. Wet soils and erosion rills indicated some flow in the West Gate Laydown area would be toward the southern mine property boundary along NM 38 and entrance. Water had ponded in a low area near the entrance to NM 38. No evidence of discharge was observed from the West Gate Laydown Area in Unit 1. SWPPP Mine Site Map was not updated to include flow directions, berms, ditches, wattle, and silt fence controls. Inspection of the West Gate Laydown area is not documented on Routine Facility Inspection reports. Photos #1 thru #4 for the West Gate Laydown area are attached.

Potential Additional Outfall: CMI's NOI and SWPPP describes two outfalls for the runoff from the Eastern Diversion Ditch and tailing facility area (Outfall SWED at Latitude 36.6973º, Longitude -105.6202º) in Unit 14 and runoff from Capulin Rock Pile and Canyon to stormwater catchments (Outfall SWLC at Latitude 36.6987º, Longitude -105.5492º) in Unit 10. A culvert structure in Unit 4, approximately Latitude 36.694987°, Longitude -105.497526°, exists at the base of the Sulphur Gulch South Rock Pile which has the potential to convey stormwater discharge off the property boundary to roadway ditches and roadway culvert crossings to Red River. The structure is not discussed in SWPPP (e.g., purpose of structure, flow direction, elevations, estimated water levels needed for discharge, etc.). Photos #5 and #6 of the potential outfall structure are attached.

Historic Landfill, Unnamed Rock Piles, Groundwater Well Operations: A historic landfill is shown on the SWPPP Mine Site Map near the northeast mine property boundary in Unit 3, but not discussed in the SWPPP. The landfill may be considered potentially co-located industrial activity and runoff from non-hazardous waste landfills (Part 445, Subpart B) have effluent limitations in Part 8.L.10 of the 2015 MSGP. Unnamed rock piles are shown at the southern mine property boundary in Unit 5 and Unit 4 on the SWPPP Mine Site Map, but do not appear to be specifically discussed in the SWPPP. Disturbed areas and access roads that appear associated with mine industrial activity exist outside the mine property boundaries. Clarification on the regulatory status and control measures appears needed for the historic landfill and unnamed rock piles in Unit 5 and 4 in the SWPPP and site map. Also, installation and maintenance at groundwater monitoring or extraction wells may also be source of pollutants. Controls for well activities are not documented in the SWPPP, site maps, and inspection reports.

Other Activities: The reviewed SWPPP refers to Solar Power Generation; however, SIC 4911, is not listed in Appendix D - Facilities and Activities Covered of the 2015 MSGP. The solar power generation area is shaded on the SWPPP Tailing Facilities Site Map to indicated that the inspection unit is covered by other permits. Clarification on the coverage of this industrial activity and/or status of the mining permit for this area appears needed in the SWPPP and map.

NPDES Industrial Storm Water Checklist (MSGP)

Inspections (Part 4)			
General			**Notes:**
Routine Facility Inspections			Inspection forms/formats changed since 2015. Recent forms include previous MSGP tracking number.
Are routine facility inspections conducted at least quarterly while facility operating?	[Y]	N	Recordkeeping included documentation for Monthly Inspections per Part 8.G.7 of the 2015 MSGP Comment: Notice of Intent (NOI) Question 8 concerning Discharge and Tier 2 waters was reported as "No." Discharges to Red River would be to a Tier 2 Water on a parameter by parameter basis per State of New Mexico Antidegradation Policy and Procedures.
Are inspections documented, including: • Date and time • Name and signature of inspector • Weather information and a description of discharge occurring at the time of the inspection • Previously unidentified discharges from site • Control measures needing maintenance or repairs • Failed control measures that need replacement • Incidents of noncompliance observed • Additional control measures needed.	Y	[N]	N = Time. Qualifications of inspector on form is not documented in SWPPP. Space for completing qualifications of inspector is not completed on Inspection Forms. Need for maintenance (i.e., Controls Adequate Yes or No) was not completed on 12/19/16 inspection report. Inspection report dated 10/17/17 indicated that inspection of outdoor vehicle and equipment washing areas controls was not applicable and controls were not adequate (appropriate, effective and operating). Other section on 10/17/17 report described that "no additional control measures required." Clarification or correction of the 10/17/17 report is needed. Routine facility inspection records were not signed and certified by a duly authorized representative in accordance with Appendix B, Subsection 11 per Part 3.1.2 of the 2015 MSGP. SWPPP did not include signed and dated written authorization for duly authorized representative.
Exceptions, including (see 3.1.1): • Inactive and unstaffed sites	Y	N	Not applicable
Quarterly Visual Assessment			
Are quarterly visual assessments conducted?	Y	N	No discharge described / not applicable
Does the assessment consist of a sample collected: • Within the first 30 minutes of discharge • On discharges that occur at least 72 hours (3 days) from the previous discharge • Collected in a clean, clear glass or plastic container.	Y	N	See above

Inspections			
Are assessments documented, including: • Sample location • Sample collection date/time & visual assessment date/time • Personnel collecting sample & performing assessment and their signature • Nature of the discharge (runoff or snowmelt) • Results of observations (including color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators) • Probable sources of contamination • If applicable, reason for not taking samples within 1st 30 minutes.	Y	N	See above
Exceptions, including (see 3.2.3): • Adverse weather conditions • Climates with irregular storm water runoff • Areas subject to snow • Substantially identical outfalls (per 5.2.5.3) • Inactive and unstaffed sites.	Y	N	See above

Monitoring (Part 6)			
General			**Notes:**
Does the SWPPP contain a procedure for conducting sector (and co-located) specific benchmark monitoring?	[Y]	N	
Does the SWPPP contain procedures for conducting effluent limitations guidelines monitoring?	Y	N	As previously noted, more information on historic landfill regulatory status is needed in SWPPP.
Does the SWPPP contain a procedure for other monitoring (state or tribal specific; impaired waters; other as required)	Y	[N]	SWPPP does not discuss Part 9 State requirements for benchmark monitoring.
Are samples analyzed in accordance with 40 CFR Part 136 methods?	Y	N	No discharge described / not applicable
Benchmark Monitoring			
Does the monitoring consist of a sample collected: • Within the first 30 minutes of discharge • On discharges that occur at least 72 hours (3 days) from the previous discharge	Y	N	No discharge described / not applicable

• Document the date and duration (in hours) of the rainfall event, rainfall total (snow - date only) for that rainfall • Prior to commingling.			
Is monitoring conducted during each of the first four full quarterly (calendar) monitoring periods following permit coverage?	Y	N	See above
Is the average of the first four quarterly samples < the parameter benchmark?	Y	N	See above
Is the average of the first four quarterly samples > the parameter benchmark? • Make the necessary modifications • Continue quarterly monitoring • Determine and document that no further pollutant reductions are technologically available and economically practicable and achievable, continue monitoring once per year, notify EPA • Natural background pollutant level documentation	Y	N	See above
Exceptions, including (see 6.1.5, 6.1.6 & 6.2.1.3): • Adverse weather conditions • Climates with irregular storm water runoff • Snowmelt • Substantially identical outfalls (per 5.1.5.2) • Inactive and unstaffed sites.	Y	N	See above
Effluent Limitations Monitoring (Sector A, C, D, E, J, K, L, O, S)			
Sampled once per year?	Y	N	No discharge described / not applicable
Follow-up requirements if discharge exceeds effluent limit (see 6.2.2.3)?	Y	N	See above
Water Quality Based Effluent Limitations			
Does the facility discharge to water quality impaired waters?	Y	N	
If TMDL exists, does the facility need to monitor?	Y	N	Not applicable / No TMDL
Is the facility monitoring all 303(d) pollutants in the first surface water to which they discharge?	Y	N	Not applicable / No impaired waters
Does the facility discharge to a CERCLA site?	Y	N	Not Applicable. Facility is a CERCLA/Superfund site. Part 1.1.4.10 of the MSGP has special requirements for discharges to a federal CERCLA sites in EPA Region 10, not Region 6.
Additional monitoring required by EPA?	Y	N	

NPDES Industrial Storm Water Checklist (MSGP)

Reporting (Part 7) Information must be submitted using NeT for NOI, NEC, NOT and Annual Report.			
General			**Notes:**
Is facility a new discharger or new source to water quality impaired waters? Has the facility submitted this information to EPA Region 6?	Y	[N]	Not applicable
If there was a facility exceedance under numeric effluent limitations, was a report submitted to EPA within 30 days?	Y	N	No discharge described / Not applicable
Did the facility submit benchmark or ELG monitoring through NetDMR?	Y	[N]	N = Electronic submittal of No discharge / No data was not documented Permittee representatives and monthly inspection reports described no discharge at outfalls. Reviewed USEPA summary indicates that quarterly DMRs were not received. Documentation that paper/electronic "No Discharge" DMRs were submitted was not provided. Comment: Existing operators under the 2015 MSGP were temporarily granted a waiver from electronic reporting due to the unavailability of certain forms in the (NeT-MSGP) electronic system. As of August 1, 2018, EPA is no longer granting these Blanket Paper Waivers for the MSGP.
Did the facility submit Annual Reports to EPA through NeT? (Due January 30 of each year)	[Y]	N	
If follow up monitoring per 6.2.2.3 exceeds a numeric limit, did the facility submit an Exceedance Report (paper) to EPA Region 6 in addition to reporting the monitoring data through NetDMR?	Y	N	No discharge described / Not applicable

SWPPP Implementation	
Measures to minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff	*(e.g., use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away; locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems; clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants; use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible; use spill/overflow protection equipment; drain fluids from equipment and vehicles prior to on-site storage or disposal; perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and ensure that all washwater drains to a proper collection system*) Enclosure and covering of small piles of materials was observed in West Gate Laydown Area in Unit 1. However, a material storage pile was located near the entrance that did not have controls.
Good Housekeeping	*(e.g., keeping all exposed areas that are potential sources of pollutants clean, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers)* Generally, observed materials were orderly. Dumpster lid at tailings facility entrance was open. See Part 2.1.2.2 of 2015 MSGP that states “Keep all dumpster lids closed when not in use.”
Preventative maintenance	*(e.g., regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, and back-up practices should a runoff event occur while a control measure is off-line)* In addition to Routine Facility Inspections, preventative maintenance for catchment ponds and detention basins includes monthly regular inspections and recordkeeping on the condition of berm and liner, pipes/ditch, freeboard > 2 feet, and sediment thickness as required by a state groundwater discharge permit (NMED GWQB DP 1539). Proper operation and maintenance of Capulin collection systems and pumpback systems in Unit 11 is important to prevent waste rock seepage from flowing to the lower Capulin catchments and off-site. A Storm Catchment Sedimentation Volumes project for Capulin Upper Catchment cleanout in Unit 11 was completed in June 15, 2018.

SWPPP Implementation	
Spill Prevention and Response	*(e.g., minimizing the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur)* Spill prevention controls include 24-hour site security. A written Spill Prevention, Control, and Countermeasure (SPCC) plan was available on site. However, Permittee Representatives described that the SPCC also needed to be reviewed and updated. A spill kit was located at a diesel fueling area at Unit 14 at the Tailings Facility. Photo #7 shows the lined containment for fuel tank storage. Containment does not appear adequate for large spills based on size of tank. NMED Petroleum Storage Tank Bureau can be contacted to confirm registration and other requirements for above ground storage tanks (see https://www.env.nm.gov/petroleum_storage_tank/.)
Erosion and Sediment Controls	*(e.g., stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, flow velocity dissipation devices at discharge locations and within outfall channels)* Controls included berms at base of roadside rock piles adjacent to highway NM 38, rock pile toe berms, berms and ditches along access roads. A series of catchments were installed in Lower Capulin Canyon and Upper Capulin Canyon. A silt fence along the southern mine property boundary of Unit 1 was not maintained. Based on information provided by the Permittee Representatives, maintenance of this damaged silt fence may not be covered by another NPDES permit. Access to monitoring wells exist outside the road berms in the western corner of the Mine Site. Any discharges from the these monitoring wells in Unit 1 do not appear directed to Outfall 005 covered by NPDES Individual NPDES NM0022306.
Management of Runoff	*(e.g., divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges)* Stormwater and non-stormwater runoff is managed toward catchments, retention ponds, subsidence zone, open pit at the Mine Site and controlled with the use of berms at diversion ditches at the Tailings Facility.
Salt Storage Piles	*(e.g., enclose or cover piles appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile)* SWPPP and Mine Site Map is not updated as the number and location of salt piles. Observed cinder storage (salt/sand/crushed rock) pile at a Tailings Facilities entrance in Unit 14 was not covered. Controls included concrete barriers and berms at diversion ditch crossings.

NPDES Industrial Storm Water Checklist (MSGP)

SWPPP Implementation	
Waste, Garbage and Floatable Debris	*(e.g., keep exposed areas free of such materials or by intercepting them before they are discharged)* No substantial waste, garbage and floatable debris was observed.
Evidence of non-storm water discharges	No non-stormwater discharges were observed. In Unit 11, Upper Capulin Canyon includes a series of catchments and pumpback to Goathill Gulch in Unit 9 with flows toward a subsidence zone that interrupts drainage within the property boundary.
Dust Generation and Vehicle Tracking of Industrial Materials	*(minimize generation of dust and off-site tracking of raw, final, or waste materials)* Winds were low and no substantial dust generation was observed on the days of this inspection. No substantial vehicle tracking was observed from gravel roads to the paved highway (NM 38).

Notes on SWPPP Implementation and Sector Specific Requirements

List and describe structural controls *(The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications)*

Part 8.G.5.2 Stormwater controls of the 2015 MSGP states:

> *Stormwater diversions: Divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.*
>
> *Capping: When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.*

West and east side diversion ditches exist at the Tailings Facility. SWPPP updates will be needed as reclamation progresses, including changes in runoff and capping.

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Erin S. Trujillo	Date: July 25, 2018	Time: ~ 0906 hours
City/County: Near Questa / Taos County		State: New Mexico
Location: CMI Questa Mine, Mine Site, West Gate Laydown Area, Unit 1		
Subject: Looking north in southwest portion of Unit 1 at erosion rills and gullies on slopes; remaining mill structures, including concrete structure that collects water. Arrows point to ditch, straw wattles and silt fence controls.		

NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Erin S. Trujillo	Date: July 25, 2018	Time: ~ 0907 hours
City/County: Near Questa / Taos County		State: New Mexico
Location: Chevron Questa Mine, Mine Site, West Gate Laydown Area, Unit 1		
Subject: Looking east from area shown in previous photo, area in background is active construction and support activity related to the Enhanced 005 Catchment project covered under separate NPDES permits. Foreground is remaining concrete structure and collected water. Arrow points to silt fence control.		

NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Erin S. Trujillo	Date: July 25, 2018	Time: ~ 0911 hours
City/County: Near Questa / Taos County		State: New Mexico
Location: Chevron Questa Mine, Mine Site, West Gate Laydown Area, Unit 1		
Subject: Material storage pile with fine-grained solids near entrance driveway to West Gate Laydown Area. No containment or sediment controls observed for pile.		

NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Erin S. Trujillo	Date: July 25, 2018	Time: ~ 1005 hours
City/County: Near Questa / Taos County		State: New Mexico
Location: Chevron Questa Mine, Mine Site, West Gate Laydown Area, Unit 1		
Subject: Looking west, arrow points to erosion rills indicating runoff flow direction along the driveway toward the West Gate Laydown Area entrance and south toward property boundary. Rills were not observed to continue to entrance or property boundary. Silt fence and berm controls existed along southern property boundary.		

NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Erin S. Trujillo	Date: July 25, 2018	Time: ~ 0950 hours
City/County: Near Questa / Taos County		State: New Mexico
Location: Chevron Questa Mine, Mine Site, Sulphur Gulch South Rock Pile, Unit 5		
Subject: Culvert inlet structure at toe of Sulphur Gulch South Rock Pile and associated catchment in Unit 5.		

NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Erin S. Trujillo	Date: July 25, 2018	Time: ~ 1005 hours
City/County: Near Questa / Taos County		State: New Mexico
Location: Chevron Questa Mine, Mine Site, Westgate Laydown Area, Unit 5		
Subject: Culvert outlet structure in roadside rockpile highway and entrance berm. Rock armors the shallow channel directly below the outfall. The shallow channel continues toward the highway and appears partially interrupted by a low berms from the highway. No evidence of discharge was observed during this inspection. This outlet structure and the shallow channel is not shown on the SWPPP Mine Site Map and is not identified as a potential outfall in the SWPPP or NOI.		

NMED/SWQB Official Photograph Log Photo # 7		
Photographer: Erin S. Trujillo	Date: July 25, 2018	Time: ~ 1220 hours
City/County: Near Questa / Taos County		State: New Mexico
Location: Chevron Questa Mine, Tailings Facility Entrance, Unit 14		
Subject: Lined containment at fuel storage tank does not appear sufficient to contain large spills or overflows based on tank size. NMED Petroleum Storage Tank Bureau can be contacted to confirm registration and other requirements for above ground storage tanks (see https://www.env.nm.gov/petroleum_storage_tank/).		

Operator or Permittee Response

Michael D. Coats
Vice President, Chevron Mining Inc.

September 28, 2018

Via E-mail/Facsimile
Sarah Holcomb, Program Manager
Erin Trujillo, Environmental Scientist-Specialist
New Mexico Environment Department
Surface Water Quality Bureau (N2050) Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

Re: Chevron Mining, Inc., Questa Mine; Multi-Sector General Permit (MSGP); SIC 1061; NPDES Compliance, Evaluation Inspection; NMR053300; July 24 through July 26, 2018

Dear Ms. Holcomb and Ms Trujillo:

This letter is to confirm Chevron Mining Inc. (CMI) received an electronic copy of the August 31, 2018 report and hereby provides responses to the items identified in the report. As we have discussed with the New Mexico Environment Department (NMED) on several occasions, CMI is interested in maintaining an open, transparent and collaborative relationship with NMED, U.S. Environmental Protection Agency (USEPA) and other state agencies such as New Mexico Mining and Minerals Division (MMD) and Office of State Engineer (OSE). As was observed and discussed during the inspection, the Questa Mine Site (Site) is undergoing numerous changes as the result of state led closure activities and remediation activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) under the oversight of USEPA Region 6. In an effort to maintain an open relationship with the regulatory agencies CMI has met with various agencies frequently to provide updates on the changes that have occurred at the site. An example is the conversations CMI and its representatives had with USEPA and NMED to discuss the new Enhanced 005 Catchment and modifications to the discharge structure design. During these conversations future discharges from the outfall were discussed and it was agreed that the project did not trigger the need for a modification to the individual permit.

As you are aware, the MSGP is a living document and as noted in the inspection report, hand-written edits have been made in the document since 2015. In addition, CMI maintains a GIS geodatabase management system that is routinely updated based on actual changes, maintenance activities, and anticipated changes as they relate to stormwater engineering controls and associated activities. As a result, up-to-date GIS stormwater exhibits can be produced and referenced at any time for the Site.

With the closure of the mine in June 2014, closure activities have been implemented under MMD and NMED oversight that have changed the landscape of the Site, most notably in the former mill area (Unit 1) where several items were identified. Ongoing CERCLA remedial actions are also located in Unit 1, an example is construction of the Lower Sulphur Gulch groundwater extraction system that relies on the

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West Gate Laydown area, which is an area where items were noted. Many of the remedial actions under CERCLA are designed to control, manage, and treat water with the goal of improving overall water quality.

Several remedial and closure activities have occurred since the Stormwater Pollution Prevention Plan (SWPPP) was last updated in October 2015 and continue today. Based on internal evaluations earlier this year, CMI determined that because the site has undergone these recent changes it was time to update the SWPPP. The decision to update the SWPPP was also driven by the fact that it is being used to address similar obligations under CMI's NMED permit, DP 1539, and CERCLA. In 2017, to avoid duplicating efforts and creating multiple documents with similar information under different regulatory programs, CMI, NMED Groundwater Quality Bureau (NMED-GWQB) and EPA (under CERCLA) agreed that the SWPPP would be used to satisfy the requirements under DP 1539, condition 107A and the Partial Consent Decree Overall Site Plan for a Comprehensive Water Management Plan and Water Control and Management Plan, respectively.

In an effort to make the SWPPP more comprehensive and address the recent changes at the site, CMI has started the revision process. Updates to the SWPPP were discussed at the August 15, 2018 CERCLA Remedial Design/Remedial Action (RD/RA) meeting with representatives from USEPA, NMED-GWQB, MMD, and CMI. At the meeting it was agreed that existing operations and maintenance plans for water management features would be incorporated into the SWPPP and that the SWPPP would also include the Spill Prevention, Control, and Countermeasures Plan. The timing of your inspection and inspection report will allow CMI to incorporate the findings into the revised SWPPP.

As mentioned, CMI has initiated revisions to the SWPPP. Most of the items identified in the inspection report pertained to features on site maps that do not reflect current conditions. The maps and SWPPP narrative are being updated to reflect current conditions, noting stormwater flow directions, impervious surfaces, structural controls, stormwater monitoring points and inlets and outfalls, summary of stormwater discharge data, and non-stormwater discharges. Other elements relative to inspection reporting and training that were noted in the inspection report will be addressed through modifications to operational and/or administrative procedures, as appropriate. The updated SWPPP is anticipated to be completed in December 2018.

In response to "Specific Notes on the SWPPP review", CMI has reviewed the comments and provides the following responses. If needed CMI is available to discuss these items in more detail as the SWPPP is being revised to ensure items are adequately addressed.

Unit 1 – **The West Gate Laydown area in Unit 1 was not covered on the day of this inspection by another NPDES permit based on discussions with Permittee Representatives.**
***Response*:**
The West Gate Laydown area is currently being used to support the Lower Sulphur Gulch Project under CERCLA and was included in the approved work plan for the project. Under CERCLA, an individual construction permit is not required; however, inspections and mitigations related to stormwater are still required. The location documented in the inspection has been mitigated as of 9/18/18.

Collected water existed in a remaining Mill Area concrete structure in the West Gate Laydown area.
***Response*:**
The "concrete structure" referenced in the report, is a permitted stormwater catchment under the NMED Ground Water Bureau Permit DP1539 (i.e. "Concrete Mill Yard Catchment" Table 1. Water Management System Components CMI Questa Mine Site). As a result, this unit is inspected monthly and maintained for optimum catchment capacity. During the inspection this unit met that definition.

Water had ponded in a low area near the entrance to NM 38.
Response:
The "low area" is a small retention basin that is intended to retain any run-off that is not captured by the upgradient catchments (i.e. Concrete Mill Yard Catchment and Enhanced 005 Catchment Basin). The area is graded from west to east, with the east end approximately 8 feet lower than the west, hence the ponding in the east end during the inspection. Additionally, situated to the south, the unit is contained by a site maintenance berm that separates the site from NM 38.

Inspection of the West Gate Laydown area is not documented on Routine Facility Inspection reports.
Response:
This area is defined as a "general areas", page 3 of the inspection form, "Area/Activity" #1, "Material loading/unloading and storage areas" and has been inspected, see below.

Areas of Industrial Materials or Activities Exposed to Stormwater
Below are some general areas that should be assessed during routine inspections. Customize this list as needed for the specific types of industrial materials or activities at your facility that are potential pollutant sources. Identify if maintenance or corrective action is needed. If maintenance is needed, fill out section B of this template. If corrective action is needed, fill out section G of this template.

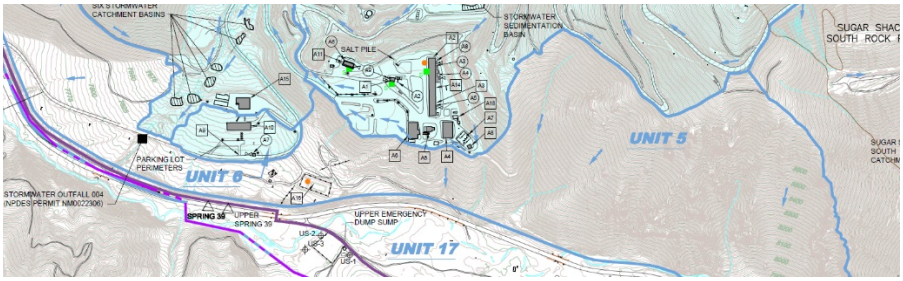
	Area/Activity	Inspected?	Controls Adequate (appropriate, effective and operating)?	Maintenance or Corrective Action Needed and Notes
1	Material loading/unloading and storage areas	☒Yes ☐No ☐ N/A	☒Yes ☐No	no action needed

A historic landfill is shown on the SWPPP Mine Site Map near the northeast mine property boundary in Unit 3, but not discussed in the SWPPP.
Response:
The SWPPP identifies the landfill on page 28, "Soil Stabilization Practices", "Spring Gulch Rock Pile", stating that it is a "closed drainage basin" and any stormwater that accumulates in this area is allowed to decant. The landfill has always been located within the boundary of the Site.

Unnamed rock piles are shown at the southern mine property boundary in Unit 5 and Unit 4 on the SWPPP Mine Site Map, but do not appear to be specifically discussed in the SWPPP.
Response:
The SWPPP identifies and defines Unit 4 on page 8 under Section 1.6 "Site Map". The Sugar Shack South Rock Piles (Unit 4) are again discussed in Section 2: "Potential Pollutant Sources" and Section 2.1 "Potential Pollutants Associated with Industrial Activity". These areas are referenced on page 15,

Section 2.3 “Unauthorized Non-stormwater Discharges Documentation” in the table that identifies “authorized non-stormwater discharges, source locations, and associated outfalls for the mine”. Lastly, page 21, under “Stormwater Control and BMP Maintenance” (b) the maintenance commitment to the stormwater controls are specified. Based on CMI inventory, there are a total of 9 rock piles all have been named and identified on the map.

Unit 5 has no rock pile disturbance, therefore there are none to identify.



Disturbed areas and access roads that appear associated with mine industrial activity exist outside the mine property boundaries.
Response:
CMI, as the operator, maintains the access roads to allow access to monitoring wells identified under DP-1539 and the draft Performance Monitoring Plan under CERCLA. Both the roads and disturbed areas identified in the comment were included in the 2015 SWPPP.

Clarification on the regulatory status and control measures appears needed for the historic landfill and unnamed rock piles in Unit 5 and 4 in the SWPPP and site map.
Response:
No rock piles exist in Unit 5 and the rock piles in Unit 4 have been identified and are addressed in SWPPP and maps. As previously stated, SWPPP also identifies historic landfill and related stormwater controls.

Also, installation and maintenance at groundwater monitoring or extraction wells may also be source of pollutants. Controls for well activities are not documented in the SWPPP, site maps, and inspection reports.
Response:
Installation of groundwater monitoring and extraction wells at the site is being done pursuant to CERCLA. Management of stormwater is covered under the CERCLA workplan associated with each individual project. An inventory of all groundwater and extraction well systems are maintained in the CMI GIS System geodatabase. Water from extraction wells on site is contained in closed pipes and routed to the water treatment plant for treatment. The pipelines are inspected and/or have leak detection mitigations in place. CMI would not envision a scenario where water from ground water monitoring wells will come in contact with stormwater.

The reviewed SWPPP refers to Solar Power Generation; however, SIC 4911, is not listed in Appendix D - Facilities and Activities Covered of the 2015 MSGP.

Response:
The Solar Power Generation – SIC 4911 is identified in the SWPPP in Section 1: "Facility Description and Contact Information" – "Co-located Industrial Activity(s) SIC code(s), Sector(s) and Subsector(s) (2015 MSGP, Appendix D): 4911 – Solar Electric Power Generation", page 3.

An additional item CMI would like to address that was included in the checklist and the photograph log is related to the fuel tank at the tailing facility and proper secondary containment (photograph #7). Specifically, the caption to the photo stated: **Lined containment at fuel storage tank does not appear sufficient to contain large spills or overflows based on tank size. NMED Petroleum Storage Tank Bureau can be contacted to confirm registration and other requirements for above ground storage tanks (see https://www.env.nm.gov/petroleum_storage_tank/).**

Response:
The tank identified in the photograph is a 3000-gallon fuel tank. CMI is planning on removing the tank, however, the secondary containment is of adequate size. The current lined berm capacity would contain 5,048 gallons which exceeds the requirement under NMED (minimum 3300 gallons).

If you have any questions or would like to discuss any items further, please contact me at 575- 586-7507.

Sincerely,

for Michael Coats

cc:
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Darlene Whittten-Hill, USEPA (6EN) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
Tony Loston, USEPA (6EN-WM) by e-mail
Brent Larsen and Tung Nguyen, USEPA (6WQ-PP) by e-mail
Isaac Chen, USEPA (6WQ-PP) by e-mail
Gary Baumgarten, USEPA (6SF-RA) by e-mail
Robert Italiano, NMED District II by e-mail
Anne Mauer, Chevron-Questa Mine Permit Lead, NMED GWQB by e-mail
Joseph C. Fox, NMED GWQB by e-mail
Armando Martinez, Chevron EMC by e-mail
Jeff Schoenbacher, Chevron EMC by e-mail